

Chapter 14

YOUTH HOMES

A zoning ordinance which provides for the regulation of youth homes.

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Section 14-1 Definition

Youth home is defined as any combination of residences, dwellings or other structures utilized for the domicile, residence or sleeping accommodation of more than three children of the age of 18 years or less for more than one week where such children are not related within three degrees of consanguinity to the adult persons occupying the same residence or premises.

Section 14-2 Authorization

Youth homes will be permitted only on granting of a Conditional Use Permit after application to the Planning Commission and approval of the City Council of Kanab City. The City Council, prior to acting on the application, will receive a recommendation from the Planning Commission and entertain public comment at a duly noticed public hearing.

Section 14-3 Application

The application must contain this information:

1. Name and address of applicant.
2. Statement of ownership of the subject property executed by the owner or his agent under penalty of perjury.
3. Description of the property, including legal description and address, and common means of identification.
4. Map of the boundaries of the parcel and each separate lot or parcel within 300 feet of the exterior boundaries thereof; together with a list of names and addresses of the last known owners of public record of each parcel.
5. A statement indicating the precise manner of compliance with

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each of the applicable provisions of this ordinance together with any other information pertinent to the findings prerequisite to the granting of a use permit, prescribed in this ordinance.

6. A statement from the appropriate regulatory agency concerning availability of public utilities including culinary and irrigation water, power, sewage disposal and refuse disposal.

7. A statement from the Kane County School District indicating the availability of educational instruction and the impact location of the proposed facility at the proposed location or, in the alternative, that education will be handled privately and designating the number of employees to be involved in education and the mandatory credentials required of such employees.

8. A detailed written description of the anticipated ages and total number of occupants of the facility together with a diagram of the facility including all separate rooms and the intended use of each room.

9. A statement demonstrating the capability of the applicant, through insurance or other means, to insure timely restitution to any member of the public suffering damage as a result of intentional or negligent conduct by members of the staff or residents of the facility.

Section 14-4 Fee

The application must be accompanied by a receipt showing that the application fee of Four Hundred Fifty Dollars (\$450.00) has been paid; provided that up to two-thirds of such fee may be returned upon demonstration that compliance with Utah State licensing has obviated the necessity of more thorough screening of the application.

Section 14-5 Planning Commission Review

The Planning Commission will review the application and, if deemed appropriate, request comment from potentially impacted public and private agencies and parties. The Planning Commission will, within 60 days of receipt of the application, submit a recommendation to the City Council.

Section 14-6 Public Hearing

The City Council shall hold a public hearing within 45 days of receipt of the recommendation of the Planning Commission.

1. Notice of the time, place and purpose of such public hearing shall be given as follows: At least 14 days prior to the date set for the hearing, and not more than 45 days prior to that date, the City Clerk shall see that a notice is mailed to each property owner identified on the list accompanying the application as required by paragraph 14-3(d) above. The notice shall give the date, time and place of the hearing, the name of the applicant, the requested use, the

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identification of the property and such other information as may be prescribed by the City Council in an individual case. The clerk shall also cause such notice to be mailed to all governmental entities providing services to subject property and all municipalities within boundaries located within five miles of the proposed development and shall publish notice in a newspaper of general local circulation twice within the above-described notice period.

Section 14-7 Use Permit

The City Council may grant the use permit provided that is established that the proposed use is in accordance with the provisions of the general plan, this ordinance, and that the following qualifications have been met:

1. The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation, utilities and service facilities in the vicinity.
2. The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this Ordinance.
3. The site will be served by streets of sufficient capacity to carry the traffic generated by the proposed use.
4. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect the other property in the vicinity or the general welfare of the City.

Section 14-8 Conditions

In approving any application for use permit, the City Council may require higher standards of site development than listed for such use in this Ordinance and may make approval contingent on the acceptance and observance by the applicant of specified conditions relating to, but not limited to, the following considerations:

1. Conformity to plans and drawings submitted with the application;
2. The provision of open spaces, buffer strips, screen walls, fences, hedges and landscaping;
3. The volume of traffic generated, vehicular movements within the site, and points of vehicular ingress and egress;
4. Performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements;
5. Limits on time of day for the conduct of specified activities;

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6. Limits to be placed on the total number of children to be housed.

7. Guarantees as to compliance with the terms of approval.

Section 14-9 Violations

On violation of any provisions of this or any other applicable ordinances by a holder of a use permit, or on failure of holder to comply with conditions of a use permit granted on conditions, the use permit shall be suspended automatically. A hearing shall be called within fifteen days, and at the hearing the City Council must be satisfied that either the violation has been discontinued or the conditions met; otherwise the permit will be revoked.

Section 14-10 Continuation of Use

Approved conditional use permits will be reviewed on a yearly basis at which time the user in addition to delivering a business license fee, will supply a written confirmation that all conditions required by the initial approval of the use continue to be satisfied and honored and will itemize in writing the date, time and status of persons, e.g., staff or resident, who have engaged in any criminal misconduct or in the damaging or destruction of private property during the previous year and will confirm that restitution has been made to all victims of such occurrences.